

HOUSE RESEARCH ORGANIZATION • TEXAS HOUSE OF REPRESENTATIVES

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HOUSE RESEARCH ORGANIZATION

daily floor report

Wednesday, April 05, 2017
85th Legislature, Number 45
The House convenes at 10 a.m.

Ten bills are on the daily calendar for second reading consideration today. The table of contents appears on the following page.

The following House committees were scheduled to hold public hearings: Agriculture and Livestock in Room E1.010 at 8 a.m.; Ways and Means in Room E2.012 at 8 a.m.; Higher Education in Room E2.030 at 10:30 a.m. or on adjournment; Defense and Veterans' Affairs in Room E1.026 at 10:30 a.m. or on adjournment; Juvenile Justice and Family Issues in Room E2.016 at 10:30 a.m. or on adjournment; Natural Resources in Room E2.010 at 10:30 a.m. or on adjournment; State Affairs in Room JHR 140 at 10:30 a.m. or on adjournment; and Land and Resource Management in Room E2.026 at 2 p.m. or on adjournment.

The following Senate committees were scheduled to hold public hearings: Transportation in Room E1.016 at 8 a.m.; Higher Education in Room E1.012 at 8:30 a.m.; Health and Human Services in the Senate Chamber at 8:30 a.m.; Intergovernmental Relations in Room E1.028 at 9 a.m.; and Veteran Affairs and Border Security in Room 2E.20 at 1:30 p.m. or on adjournment.



Dwayne Bohac
Chairman
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HOUSE RESEARCH ORGANIZATION

Daily Floor Report

Wednesday, April 05, 2017

85th Legislature, Number 45

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SUBJECT: Allowing county law library funds to be used for litigant self-help centers

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Smithee, Gutierrez, Hernandez, Laubenberg, Murr, Neave,
Rinaldi, Schofield

0 nays

1 absent — Farrar

WITNESSES: For — Patricia McAllister, Texas Access to Justice Commission; Randall
Chapman, Texas Legal Services Center; (*Registered, but did not testify*:
Donald Lee, Texas Conference of Urban Counties; Lisa Rush, Travis
County Law Library)

Against — None

BACKGROUND: Local Government Code, sec. 323.021 allows a commissioners court to
use its law library fund to establish a county law library at the county seat.
The law library fund is composed of fees collected in civil case filings.

DIGEST: HB 1021 would allow county law library funds to be used to establish
self-help legal resource centers for litigants representing themselves.

The bill would allow law libraries to be established jointly between
counties. A county commissioners court could establish a law library
outside its county seat.

This bill would take immediate effect if finally passed by a two-thirds
record vote of the membership of each house. Otherwise, it would take
effect September 1, 2017.

SUPPORTERS SAY: HB 1021 would address a growing need for public access to legal
resources by explicitly allowing counties to establish self-help centers for
the public through their law library funds. The number of Texas civil
litigants representing themselves is rising each year, and the bill would

help them navigate the complexities of the courts.

Expanding public access to legal resources would increase efficiency for courts and litigants. Individuals representing themselves in legal proceedings often are unfamiliar with court procedures, which can lead to delays and legal issues. When litigants can access self-help centers and arrive at court with the appropriate forms and an understanding of procedures, they can better represent themselves and avoid being sent away to properly prepare.

HB 1021 also would allow counties to pool resources to create jointly funded law libraries. This would help smaller and rural counties that may not generate sufficient civil court fees to maintain or staff a law library. A larger county without a law library could partner with another county to expand their residents' access to legal information. For example, Williamson County does not have its own law library, and its residents often go to the Travis County Law Library for information and assistance. However, the reference attorneys can help only people whose cases are filed in Travis County. HB 1021 would let counties work together to address their residents' needs.

The bill would allow counties to maximize resources when deciding where to establish law libraries. In some counties, the county seat is sparsely populated compared to other areas. Counties could identify a location for their law library that most benefited their residents.

HB 1021 would not increase fees. Counties would use existing fee revenue in their law library funds for self-help centers and joint libraries.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

A companion bill, SB 937 by Zaffirini, was left pending following a public hearing of the Senate Committee on Intergovernmental Relations on March 20.

SUBJECT: Expanding eligibility for Veterans' Land Board benefits and programs

COMMITTEE: Defense and Veterans' Affairs — favorable, without amendment

VOTE: 7 ayes — Gutierrez, Blanco, Arévalo, Cain, Flynn, Lambert, Wilson
0 nays

WITNESSES: For — None
Against — None
On — (*Registered, but did not testify*: Matthew Elledge, Texas Veterans' Land Board)

BACKGROUND: The Texas Veterans' Land Board (VLB) administers five programs for eligible veterans: the Texas State Veterans Homes Program, the Texas State Veterans Cemetery Program, and three long-term, low-interest loan programs to help veterans purchase land or a home or fund home-improvement projects.

Natural Resources Code, sec. 161.001 defines a veteran for the purposes of eligibility for VLB benefits as a person who meets certain residency requirements and:

- served at least 90 days on active duty in and has not been dishonorably discharged from the U.S. Armed Forces;
- has at least 20 years of active or reserve federal military service;
- has completed all initial active duty training as a member of the Texas National Guard; or
- served in the armed forces of the Republic of Vietnam between February 28, 1961, and May 7, 1975.

DIGEST: HB 206 would expand the definition of "veteran" for the purposes of eligibility for Veterans' Land Board benefits to include an individual who had at least 15 years of active or reserve state military service as a member of the Texas State Guard.

The bill would take effect September 1, 2017.

**SUPPORTERS
SAY:**

HB 206 would address concerns that members of the Texas State Guard are ineligible to receive Veterans' Land Board (VLB) benefits despite their service to Texas. When called upon, the Texas State Guard assists state and local authorities during emergencies and disaster relief operations, conducts homeland security activities, and provides other community support functions. This bill would honor guard members with long-term service to the state by making them eligible for VLB benefits, including access to land and home loan programs, veterans' homes, and veterans' cemetery plots.

**OPPONENTS
SAY:**

No apparent opposition.

SUBJECT: Creating a grant fund to test evidence of sexual offenses

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 7 ayes — Moody, Hunter, Canales, Gervin-Hawkins, Hefner, Lang, Wilson
0 nays

WITNESSES: For — Goodman Holiday, Austin Justice Coalition; Kristen Lenau and Kirstin Naumann, SAFE Alliance; Amanda Lewis, Survivor Justice Project; Liz Boyce, Texas Association Against Sexual Assault; *(Registered, but did not testify:* Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); Jim Allison, County Judges and Commissioners Association of Texas; Charles Reed, Dallas County Commissioners Court; Donna Warndof, Harris County; Brenda Koegler, League of Women Voters of Texas; Tiana Sanford, Montgomery County District Attorney; Jimmy Rodriguez, San Antonio Police Officers Association; Buddy Mills, Ricky Scaman, R. Glenn Smith, and Kelly Rowe, Sheriffs' Association of Texas; Ana DeFrates, Survivor Justice Project; Mark Mendez, Tarrant County; Donald Lee, Texas Conference of Urban Counties; Yannis Banks, Texas NAACP; Julie Wheeler, Travis County Commissioners Court; Justin Wood, Travis County District Attorney's Office; Maria Garcia and Erica Vega, United We Dream; Jose Garibay; Joey Gidseg; Kevin Lenau; Megan Morgan)

Against — None

On — Skylor Hearn, Department of Public Safety; Peter Stout and Robin Guidry, Houston Forensic Science Center

DIGEST: HB 1729 would create a grant program for the testing of sexual offense evidence administered by the Criminal Justice Division of the Office of the Governor. Counties and law enforcement agencies could apply for grant funds only to pay for accredited crime laboratories to test evidence collected in sexual offense investigations.

These grants would be funded by voluntary donations of \$1 or more from people applying for an original or renewed driver's license, commercial driver's license, or personal ID. Donations also could be made when applying for or renewing a license or ID on the Department of Public Safety's website.

After deducting reasonable administration expenses, the Department of Public Safety monthly would remit the money collected to the Comptroller of Public Accounts, which would place the funds in the general revenue dedicated evidence testing account established by the bill. The criminal justice division would track the results and performance of grants and include those data in its existing biennial report to the Legislature.

The bill would take effect September 1, 2017, and voluntary contributions would begin January 1, 2018.

**SUPPORTERS
SAY:**

CSHB 1729 would provide funding to accelerate the process of testing evidence related to sexual assaults. While Texas has made great strides in the past few years, there is still a backlog of rape kits that have not been tested. This has created unreasonably long delays in getting sexual assault evidence tested in some counties. According to the Legislative Budget Board, this bill is expected to generate more than \$1 million in voluntary donations, allowing counties and law enforcement agencies to address the testing backlog without costing the state additional money.

Sexual assault is a traumatic experience, yet survivors often experience more trauma during a lengthy evidence collection process and a much longer wait for testing results, which for too many victims remains ongoing. CSHB 1729 would help local entities in Texas meet their responsibility to quickly and accurately test evidence, hastening the prospect of justice and closure for sexual assault survivors.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The companion bill, SB 1163 by Garcia, was reported favorably as substituted by the Senate Criminal Justice Committee on March 29.

CSHB 1729 differs from the bill as filed by allowing applicants for commercial driver's licenses and personal identification to make voluntary contributions. It also would allow counties to apply directly for grants, rather than limiting applications to law enforcement agencies.

SUBJECT: Requiring disclosure to purchasers of property near military installations

COMMITTEE: Defense and Veterans' Affairs — favorable, without amendment

VOTE: 7 ayes — Gutierrez, Blanco, Arévalo, Cain, Flynn, Lambert, Wilson
0 nays

WITNESSES: For — Tom Tagliabue, City of Corpus Christi; Tim Brown, San Antonio Board of REALTORS; Kelly Flanagan, Texas Association of Realtors; James Cunningham, Texas Coalition of Veterans Organizations and Texas Council of Chapters of the Military Officers Association of America; *(Registered, but did not testify: Guadalupe Cuellar, City of El Paso; Jeff Coyle, City of San Antonio; Matthew Geske, Fort Worth Chamber of Commerce; Kelley Shannon, Freedom of Information Foundation of Texas; Matthew Church, Greater Fort Worth Association of Realtors; Juan Antonio Flores, Port San Antonio; Mark Mendez, Tarrant County; Vic Suhm, Tarrant Regional Transportation Coalition; Daniel Gonzalez and Julia Parenteau, Texas Association of REALTORS; Jim Brennan, Texas Coalition of Veterans Organizations; James Cunningham, Texas Coalition of Veterans Organizations and Texas Council of Chapters of the Military Officers Association of America; Monty Wynn, Texas Municipal League; CJ Grisham; Sacha Jacobson)*

Against — None

On — Patrick McClintock, Joint Base San Antonio; Mike Branum, US Navy, Texas Commanders Council

BACKGROUND: Property Code, sec. 5.008 requires a seller of certain residential property to provide the purchaser with a disclosure notice regarding the seller's knowledge of the condition of the property.

DIGEST: HB 890 would add to the required provisions in the seller's disclosure notice a section stating that certain property could be located near a military installation and could be affected by high noise or air installation compatible use zones or other operations. The section would explain that

this information was available in the most recent Air Installation Compatible Use Zone Study or Joint Land Use Study and accessible on the websites of the applicable installation, the county, and any municipality in which the installation was located.

A county or any municipality in which a military installation was located would have to make publicly available on its website the most recent Air Installation Compatible Use Zone Study or Joint Land Use Study applicable to each installation or a link to that information.

The bill would take effect September 1, 2017, and would apply only to a transfer of property that occurred on or after that date.

**SUPPORTERS
SAY:**

HB 890 would help buyers make better, more informed decisions by addressing concerns that sellers do not have a formal mechanism by which to notify buyers that a property could be significantly impacted by high-volume, sustained military operations. The bill would ensure that buyers were aware of these potential circumstances before purchasing property by providing information in the seller disclosure notice and increasing overall transparency in the real estate process.

The bill would require each state-prescribed disclosure notice to include a statement that the property for sale could be near a military installation and would direct the buyer to consult the most recent Air Installation Compatible Use Zone Study or Joint Land Use Study. This would place responsibility on the buyer to research the property, rather than impose additional disclosure requirements on the seller.

The information provided in the disclosure also could be a tool used by communities and developers to promote compatible land use throughout the state. Increasing the transparency in the real estate process could lead to improved relations between the military installation and the community by reducing complaints and litigation regarding nearby military activities and mitigating the impacts of encroachment.

While some home buyers are aware of nearby military installations, those who are new to an area may not be. HB 890 would encourage all such buyers to review a property's proximity to military activities.

OPPONENTS
SAY:

HB 890 is unnecessary because a person buying property near a military installation already would be aware of the installation and any impact from its proximity. Buyers have an interest in knowing whether their properties could be adversely impacted by noise from military aircraft or other operations and would seek information on their own without requiring a statement on the seller's disclosure notice form.

NOTES:

A companion bill, SB 775 by Estes, was considered in a public hearing of the Senate Committee on Business and Commerce on April 4.

SUBJECT: Specifying which OIG legal services were transferred to HHSC

COMMITTEE: Human Services — favorable, without amendment

VOTE: 7 ayes — Raymond, Frank, Miller, Minjarez, Rose, Swanson, Wu
0 nays
2 absent — Keough, Klick

WITNESSES: For — None
Against — None
On — Gary Jessee, Health and Human Services Commission; (*Registered, but did not testify*: Stuart Bowen and Dirk Johnson, Health and Human Services Commission Inspector General)

BACKGROUND: SB 207 by Hinojosa, enacted by the 84th Legislature in 2015, implemented Sunset recommendations for the Health and Human Services Commission's (HHSC's) Office of Inspector General. The bill amended Government Code, sec. 531.102 to give the HHSC executive commissioner responsibility for performing all administrative support services functions necessary to operate the office, including procurement processes, contracting policies, information technology services, budgeting, personnel and employment policies, and legal services.

DIGEST: HB 2379 would specify that the HHSC executive commissioner was responsible for the Office of Inspector General's legal services relating only to open records, procurement, contracting, human resources, privacy, litigation support by the attorney general, bankruptcy, and other legal services detailed in a memorandum of understanding or other written agreement between HHSC and the office.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

**SUPPORTERS
SAY:**

HB 2379 would address ambiguity in current law about which legal services were transferred by the 84th Legislature to the Health and Human Services Commission (HHSC) from the Office of Inspector General (OIG). The bill would align statute with the original intent of SB 207, which did not seek to move the OIG's investigatory functions to the HHSC executive commissioner. This bill would specify the OIG legal services that are administrative in nature, thereby falling under the executive commissioner's authority, and effectively would leave investigatory legal services with the OIG.

The bill would protect the necessary independence of the OIG by preserving its authority over attorneys that perform investigative and audit functions. The OIG's investigatory legal services are different from legal services in the other agencies and entities whose administrative functions were transferred to HHSC. Unlike other functions, OIG's investigatory legal services require independence from HHSC to be successful. HB 2379 would not conflict with federal rules because the OIG is embedded within HHSC and is not a separate agency.

**OPPONENTS
SAY:**

HB 2379 could create inconsistencies in how legal services are handled across the state's health and human services agencies and divisions. It also is unclear whether OIG independent investigations would be consistent with federal requirements for Medicaid to operate within a single state agency.

SUBJECT: Allowing associate judges, referees to hear pleas in certain juvenile cases

COMMITTEE: Juvenile Justice and Family Issues — favorable, without amendment

VOTE: 7 ayes — Dutton, Dale, Biedermann, Cain, Moody, Schofield, Thierry
0 nays

WITNESSES: For — (*Registered, but did not testify*: Susanna Woody, LUTU, Our Revolution Central Texas; Mark Williams, Coke, Concho, Irion, Runnels, Schleicher, Sterling, and Tom Green counties; Jacob Aronowitz, Young Active Labor Leaders; Danielle King; Thomas Parkinson; Roy Woody)

Against — None

On — (*Registered, but did not testify*: Kaci Singer, Texas Juvenile Justice Department)

BACKGROUND: Family Code, sec. 54.10 allows referees and associate judges to hold hearings under certain conditions but prohibits referees from presiding over trials or certain hearings.

DIGEST: HB 678 would allow associate judges or referees to hear juvenile pleas and stipulations of evidence in cases in which the child is subject to a determinate sentence. The associate judge or referee then would report written findings and recommendations on the matter to the juvenile court judge, who could accept or reject the plea or stipulation.

The bill would take effect September 1, 2017, and would apply only to conduct that occurred on or after that date.

SUPPORTERS SAY: HB 678 would protect due process and increase efficiency in the juvenile court system. Pleas and stipulations by definition mean the parties are in agreement about a particular matter. Allowing associate judges and referees to make the necessary factual findings in these cases would free up time that juvenile court judges could use to hear contested cases. Juvenile court judges still would consider every plea or stipulation before

ruling, just as they do under current law.

OPPONENTS
SAY:

No apparent opposition.

SUBJECT: Raising private funds for maintaining the Capitol and its grounds

COMMITTEE: House Administration — favorable, without amendment

VOTE: 11 ayes — Geren, VanDeaver, Bernal, Cyrier, Goldman, Hinojosa, Howard, Oliverson, Raney, Schubert, Vo

0 nays

WITNESSES: For — (*Registered, but did not testify:* Jason Tucker)

Against — None

BACKGROUND: Government Code, sec. 443.007 requires the State Preservation Board to preserve, maintain and restore the Texas Capitol, the General Land Office Building, their contents, and their grounds.

Sec. 443.030 allows the board to establish one or more nonprofit organizations whose purpose is to raise funds for or provide services to the board.

DIGEST: HB 1829 would require the State Preservation Board to contract with a nonprofit organization to develop and implement a plan to raise funds for the preservation, maintenance, and improvement of the Capitol and its grounds. The board may establish a nonprofit for the purpose of raising funds for maintaining the Capitol and its grounds or may partner with an existing nonprofit.

The bill would take effect September 1, 2017, and the State Preservation Board would be required to enter the contract with the nonprofit by September 1, 2018.

SUPPORTERS SAY: HB 1829 would allow private donors to give gifts, grants, property, and services to be used specifically for maintaining the Capitol and its grounds, one of Texas' most important historical and architectural resources. Current law allows the State Preservation Board to establish a nonprofit that benefits the board's general efforts. This bill would enable

people to contribute more directly to the preservation of the Capitol and its grounds by requiring the board to contract with or establish a nonprofit specifically dedicated to this purpose.

Using private funds raised by a nonprofit for preservation, maintenance, and improvement efforts at the Capitol could free up State Preservation Board money for other projects.

OPPONENTS
SAY:

No apparent opposition.

SUBJECT: Restricting formulary disclosure requirements to individual benefit plans

COMMITTEE: Insurance — committee substitute recommended

VOTE: 9 ayes — Phillips, Muñoz, R. Anderson, Gooden, Oliverson, Paul,
Sanford, Turner, Vo

0 nays

WITNESSES: For — (*Registered, but did not testify*: Patricia Kolodzey, Blue Cross Blue
Shield of Texas; Gyl Switzer, Mental Health America of Texas; Amanda
Martin, Texas Association of Business; Jamie Dudensing, Texas
Association of Health Plans; Sharon Parham, Texas Hands and Voices)

Against — None

On — (*Registered, but did not testify*: Rachel Bowden, Texas Department
of Insurance)

BACKGROUND: Insurance Code, sec. 1369.0542 requires a health benefit plan issuer to
display prescription drug formulary information, as required by insurance
commissioner rule, for each health benefit plan it offers on a public
website maintained by the issuer.

DIGEST: CSHB 1227 would change the disclosure requirements for health benefit
plan issuers, requiring them to publicly display formulary information
only for individual health plans.

The bill would take effect September 1, 2017, and would apply only to a
health benefit plan delivered, issued, or renewed on or after that date.

SUPPORTERS SAY: CSHB 1227 would provide a necessary fix to an oversight in current
statute by making prescription drug formulary disclosure requirements
apply only to the plans to which they are relevant. In 2015, the 84th
Legislature enacted HB 1624 by Smithee to provide formulary disclosure
information to consumers evaluating individual health plans. However,
the bill did not include an applicability section, imposing the disclosure

requirement on group health care plans as well as individual plans. Requiring issuers to display formulary information for group plans is a waste of time and resources because employers rarely offer more than one group health care plan to their employees. The requirement in current law is inefficient and could unintentionally mislead consumers about their benefit options.

CSHB 1227 would not damage consumer choice. In rare cases, private employers offer more than one group plan to their employees, but these situations are uncommon, and the impact of this bill on these consumers would be negligible.

**OPPONENTS
SAY:**

CSHB 1227 could deprive employees shopping for a group health plan of useful information about prescription drug benefits. In rare cases, employers offer multiple group plan options from which employees may choose, and exempting these plans from disclosure requirements could make it more difficult for affected employees to know which medications were covered under each plan.

NOTES:

CSHB 1227 differs from the bill as filed by specifying that the requirements would apply to all individual health benefit plans to which the relevant subchapter of law applies.

A Senate companion bill, SB 895 by Seliger, was referred to the Business and Commerce Committee on February 28.

SUBJECT: Establishing a pediatric telemedicine grant program for rural Texas

COMMITTEE: Public Health — committee substitute recommended

VOTE: 10 ayes — Price, Sheffield, Arévalo, Burkett, Collier, Cortez, Guerra, Klick, Oliverson, Zedler

0 nays

1 absent — Coleman

WITNESSES: For — Stacy Wilson, Children's Hospital Association of Texas; Julie Hall-Barrow, Children's Health; John Hawkins, Texas Hospital Association; (*Registered, but did not testify*: Christine Bryan, Clarity Child Guidance Center; Christine Yanas, Methodist Healthcare Ministries; Greg Hansch, National Alliance on Mental Illness (NAMI) Texas; Annie Spilman, National Federation of Independent Business-Texas; Adriana Kohler, Texans Care for Children; Jamie Dudensing, Texas Association of Health Plans; Nora Belcher, Texas e-Health Alliance; Joel Ballew, Texas Health Resources; Dan Finch, Texas Medical Association; Clayton Travis, Texas Pediatric Society; Brittani Bilse, TORCH; Aidan Utzman, United Ways of Texas; Thomas Parkinson)

Against — None

On — (*Registered, but did not testify*: Emily Zalkovsky, Health and Human Services Commission; Sheryl Swift)

DIGEST: CSHB 1697 would require the Health and Human Services Commission (HHSC) to establish a tele-connectivity resource program that would award grants to rural health care facilities to connect those facilities with pediatric specialists and subspecialists who provide telemedicine medical services.

Pediatric tele-specialty providers, defined as pediatric health care facilities that offer continuous access to telemedicine services provided by pediatric subspecialists, could assist HHSC in establishing the program and

selecting grant recipients. Rural, or “nonurban,” health care facilities and hospitals would be defined as facilities serving counties with a population of 50,000 or less.

To be eligible for a grant under the program, a rural health care facility would be required to have:

- a quality assurance program;
- a designated neonatal intensive care unit or an emergency department;
- at least one staff full-time equivalent physician with pediatric training and experience and one person responsible for ongoing nursery and neonatal support and care;
- a commitment to obtaining neonatal or pediatric education from a tertiary facility; and
- the capability of maintaining records and producing reports that measure the effectiveness of a grant received under the program.

A facility could use grant money to purchase telemedicine equipment or modernize its IT infrastructure and support to ensure an uninterrupted two-way video signal compliant with federal health insurance privacy laws. Grant money also could be used to pay a service fee to a pediatric tele-specialty provider under an annual contract, or for other costs associated with telemedicine deemed necessary by HHSC.

The bill would prohibit HHSC from spending state funds to accomplish the program and would not require the commission to award a grant unless the Legislature appropriated money for the program. HHSC could solicit and accept gifts, grants, and donations from any public or private source, and a political subdivision participating in the program could pay part of the costs.

HHSC could establish a work group to assist with developing, implementing, or evaluating the program and preparing a biennial report on results and outcomes of the grants to the governor and Legislature. Work group members would not be entitled to compensation or reimbursement for travel.

HHSC's executive commissioner could adopt rules to implement the program. The commission would be required to implement the program by December 1, 2017, and to deliver the first report to the governor and Legislature by December 1, 2018.

The bill would take effect September 1, 2017.

**SUPPORTERS
SAY:**

CSHB 1697 would establish a grant program to help rural hospitals purchase telemedicine equipment and contract for access to a telemedicine provider, which could allow less populous parts of the state to access the best pediatric medical care available.

Many rural areas in Texas lack neonatologists and pediatric specialists. This often requires the transportation of local infants and children to urban hospitals. In some cases, these young patients could be cared for in their home communities if the attending physician were able to use telemedicine technology to consult with specialists in other parts of Texas. One Texas provider that has offered neonatal and pediatric emergency telemedicine services to 12 hospitals since 2013 has treated 50 percent of newborns and 75 percent of pediatric emergency room patients in their home communities.

Allowing babies and children to be treated in local hospitals, when appropriate, could eliminate unnecessary transfers, improve patient outcomes, and reduce costs. It also could help parents avoid travel expenses and disruptions associated with their child's medical care. If the patient needed to be transferred for a higher level of care, the transition between treatment teams could be smoothed using telemedicine technology before the move.

The program would award grants to rural hospitals only if the program was funded through appropriations or private donations. Rural hospitals are a critical resource to their communities, but they face fiscal challenges that could be partially alleviated by the grant program. For instance, the facilities could use the grants to invest in videoconferencing and other telemedicine equipment, upgrade broadband, and offset the service fee for access to a telemedicine provider.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

The Legislative Budget Board cited unknown variables such as the number of potential grant recipients and the value of the grants in concluding that the bill could have an indeterminate fiscal impact to the state.

CSHB 1697 differs from the bill as filed in that the committee substitute would rename the grant program, limit it to hospitals in counties with populations of 50,000 or less, and require eligible facilities to have a designated neonatal intensive care unit or an emergency department.

SUBJECT: Allowing residents in facilities to use wheelchair self-release seat belts

COMMITTEE: Human Services — committee substitute recommended

VOTE: 8 ayes — Raymond, Frank, Keough, Klick, Miller, Minjarez, Rose,
Swanson

0 nays

1 absent — Wu

WITNESSES: For — (*Registered, but did not testify*: Ali Jackson)

Against — None

On — Amanda Fredriksen, AARP; Rose Vera, Texas Assisted Living Association; (*Registered, but did not testify*: Alyse Meyer, LeadingAge Texas; Calvin Green, Texas Department of Aging and Disability Services; Scot Kibbe, Texas Health Care Association)

BACKGROUND: Health and Safety Code, ch. 322, subch. B regulates the use of secure restraints for residents in residential child-care facilities, intermediate care facilities for persons with intellectual and developmental disabilities, state mental health hospitals and other mental health facilities, assisted living facilities, nursing homes, and chemical dependency treatment facilities.

Sec. 322.051(a) prohibits a facility from using a restraint that obstructs a resident's mouth or nose, impedes a resident's breathing by putting pressure on the torso, or interferes with a resident's ability to communicate.

DIGEST: CSHB 284 would require certain health care facilities to allow residents to use a wheelchair self-release seat belt if:

- the resident had demonstrated the ability to release and fasten the seat belt without assistance;
- the use of the seat belt complied with the resident's care plan; and

- the resident or the resident's legal guardian provided written consent to the facility.

The Health and Human Services executive commissioner would adopt rules to implement the bill by January 1, 2018.

The bill would take effect September 1, 2017, and would apply only to the use of a wheelchair self-release seat belt occurring on or after January 1, 2018.

**SUPPORTERS
SAY:**

By allowing capable residents of certain health care facilities to use a wheelchair self-release belt, CSHB 284 would place them in greater control of their lives while improving their safety. Although current law restricts the use of restraints, optional seat belts on wheelchairs would provide some residents the necessary safety required for greater mobility and still would maintain freedom for patients who are elderly or disabled. The bill also would help reduce the risk of falling for patients with mobility, frailty, or balance issues.

In order to use a self-release seat belt, residents would have to meet specific criteria, including demonstrating the ability to self-release. Any cognitive issues a patient might have would be addressed in the care plan, with which use of the self-restraint seat belt would have to comply.

**OPPONENTS
SAY:**

CSHB 284 could infringe on the rights of health care facility residents. If a patient's cognitive ability faded throughout the day, the wheelchair seat belt could become a restraint if the person could not self-release.

Advocates and providers have devoted substantial time and resources to move away from the use of physical restraints in health care facilities, and the bill could cause these facilities to act against restraint-free policies. Better alternatives to prevent a patient's fall risk are available, such as tilted wheelchairs, wedged cushions, and other preventive mechanisms.